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Silicon Valley Center
801 California Street
Mountain View, CA 94041

EXAMINER

SKHOUN, HICHAM

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Ex parte RONG YAN, EYTAN BAKSHY, HAO ZHANG, and
HUAJING LI

Appeal 2016-002372
Application 13/759,838
Technology Center 2100

Before BRUCE R. WINSOR, ADAM J. PYONIN, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

PYONIN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134(a) from the Examiner's Final Rejection of claims 1–20, which are all of the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We AFFIRM.

STATEMENT OF THE CASE

Introduction

The Application is directed to social networks that “optimize the communication of sponsored story units, which include a sponsored story

and/or one or more related posts or activities,” and which allow “advertisers or the social networking system to modify selection of sponsored stories.”

Spec. ¶¶ 5–6. Claims 1, 11, and 17 are independent. Claim 1 is reproduced below for reference:

1. A method comprising:

storing, in a social networking system, a user profile associated with a viewing user, the user profile identifying one or more users of the social networking system connected to the viewing user;

receiving a story request for a sponsored story unit, the story request identifying content and a type of action to be included in the sponsored story unit;

identifying interactions with objects by users of the social networking system connected to the viewing user, the interactions identified based on the content and the type of action identified by the story request;

generating a plurality of candidate sponsored stories based on the identified interactions, each candidate sponsored story describing an interaction performed by a user of the social networking system who is connected to the viewing user;

ranking, by a processor, the candidate sponsored stories based on a performance metric;

selecting a candidate sponsored story from among the candidate sponsored stories based at least in part on the ranking;

generating the sponsored story unit including the selected candidate sponsored story; and

presenting the sponsored story unit to the viewing user.

References and Rejections

Claims 1, 2, 4–7, 10–15, and 17–19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kendall (US 2012/0109757 A1; May 3, 2012). Final Act. 2.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kendall and Chan (US 2008/0262931 A1; Oct. 23, 2008). Final Act. 9.

Claims 8, 9, 16, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kendall and Liu (US 2011/0238486 A1; Sept. 29, 2011). Final Act. 10.

ANALYSIS

We have reviewed the Examiner's rejections in light of Appellants' arguments. We adopt the Examiner's findings and conclusions in the Final Action and Examiner's Answer as our own, to the extent they are consistent with our analysis below. We add the following primarily for emphasis.

A. Independent Claims

Appellants argue the Examiner erred, because

Kendall fails to disclose or suggest at least “generating a plurality of candidate sponsored stories based on the identified interactions, each candidate sponsored story describing an interaction performed by a user of the social networking system who is connected to the viewing user,” and “ranking, by a processor, the candidate sponsored stories based on a performance metric,” as recited in independent claims 1, 11, and 17.

App. Br. 5. Particularly, Appellants contend that Kendall discloses methods for generating both newsfeed stories and social ads, “but the examiner seems to conflate the two in his analysis.” *Id.* 6. Regarding Kendall's social ads, Appellants assert that “Kendall's social ads are more similar to the claimed sponsored stories than are newsfeed stories, but still do not meet the claimed limitations,” because the reference “does not contemplate generating

multiple ‘candidate’ social ads from a single request as the claim recites for sponsored stories (‘generating a plurality of candidate sponsored stories’), nor does Kendall describe then ‘ranking’ and ‘selecting’ from a plurality of social ads, since it does not generate a plurality of candidates.” Reply Br. 6.

We are not persuaded the Examiner erred. Rather, we agree with the Examiner that Kendall’s process—for social advertising that is responsive to receiving ad requests—discloses generating and ranking a plurality of candidate sponsored stories as claimed:

Each of the triggering actions that were obtained . . . for the qualifying ad requests represent a candidate social ad that may be generated by the ad server 380. To select which one or ones of the candidate social ads to generate, the ad server computes 925 an expected value for each of the candidate social ads.

Kendall ¶ 72; *see* Final Act. 13–14. Once Kendall has selected a candidate sponsored story (i.e., “candidate social ad”) based on the ranking, Kendall generates a sponsored story unit (i.e., “social ad”) within the meaning of the claim. *See* Kendall ¶ 73 (“Once the expected values are computed for the candidate social ads, the ad server composes 930 a social ad for the candidate with the highest expected value”); *see also* Final Act. 4.

We find unavailing Appellants’ contention that “Kendall only composes the ‘desired number’ of candidate ads” (App. Br. 7), at least because Kendall describes generating fewer social ads than the multiple candidate social ads.¹ *See* Final Act. 14; Kendall ¶¶ 71–73. In particular,

¹ We find Kendall discloses the claim limitations as argued by Appellants; therefore we do not reach the issue of whether the claims further encompass generating a sponsored story unit for each candidate sponsored story. *See Genentech, Inc. v. Chiron Corp.*, 112 F.3d 495, 501 (Fed. Cir. 1997) (“Comprising is a term of art used in claim language which means that the

Appellants do not provide sufficient evidence or argument to show that the recited steps, including “generating a plurality of candidate sponsored stories” and “generating the sponsored stories,” preclude Kendall’s disclosed process, including the steps of identifying candidate social ads and composing social ads. *See* Kendall Abstract; *see also* 37 C.F.R. § 41.37(c)(1)(iv) (“any arguments or authorities not included in the appeal brief will be refused consideration”); *cf. In re Baxter Travenol Labs.*, 952 F.2d 388, 391 (Fed. Cir. 1991) (“It is not the function of [the U.S. Court of Appeals for the Federal Circuit] to examine the claims in greater detail than argued by an appellant, looking for nonobvious distinctions over the prior art.”).

Accordingly, we are satisfied that Kendall discloses the disputed limitations of independent claims 1, 11, and 17.

B. Dependent Claim 20

Appellants argue the Examiner erred in rejecting dependent claim 20, because “the ranking factors of Liu are independent of the ad itself but rather rely on external factors used to measure revenue.” App. Br. 9; *see also* Reply Br. 7.

We are not persuaded the Examiner erred. The Examiner finds the combination of Liu and Kendall teaches or suggests the limitations of claim 20.² *See* Final Act. 12; Ans. 4 (“the combination of Kendall and Liu

named elements are essential, but other elements may be added and still form a construct within the scope of the claim”).

² Separately, and not relied upon for this Decision, we note dependent claim 7 recites similar limitations as claim 20; claim 7, however, is rejected as anticipated by Kendall. *See* Final Act. 5.

references overcome the argued limitation.”). Particularly, the Examiner finds “Kendall teaches . . . ranking the candidate sponsored stories so candidate sponsored stories describ[e] a type of action specified by the request.” Ans. 4; *see also* Kendall ¶ 72. Appellants do not present arguments with respect to the Examiner’s Kendall findings; nor do Appellants challenge the Examiner’s reliance on the *combination* of references. Accordingly, we are not persuaded the Examiner’s rejection of claim 20 is in error.

CONCLUSION

We sustain the Examiner’s rejection of independent claims 1, 11 and 17, and dependent claim 20. Appellants advance no further argument on dependent claims 2–10, 12–16, 18, 19, and 33–36. *See* Appeal Br. 5, 8. Accordingly, we sustain the Examiner’s rejections of these claims for the same reasons discussed above.

DECISION

The Examiner’s rejection of claims 1–20 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED